

# EXHIBIT 10

\*\*\* CONFIDENTIAL \*\*\*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KATHRYN SHIBER, : Civil Action No.  
                    Plaintiff, : 1:21-cv-03649-ER  
                    -against- :  
CENTERVIEW PARTNERS, LLC, :  
                    Defendant. :  
-----x

Via Zoom

February 3, 2023  
9:00 a.m.

Deposition of TONY KIM, taken by Plaintiff,  
before Susan B. Ratner, a Shorthand Reporter and  
Notary Public of the State of New York.

1 A P P E A R A N C E S:

2

3 Attorneys for Plaintiff:

4 SCHWARTZ PERRY & HELLER LLP

5 3 Park Avenue

6 New York, New York 10016

7 BY: BRIAN HELLER, ESQ.

8 -AND-

9

10 CLAYMAN ROSENBERG KIRSHNER & LINDER LLP

11 305 Madison Avenue, Suite 650

12 New York, New York 10165

13 BY: JAMES F. VALENTINO, ESQ.

14

15 Attorneys for Defendant:

16 QUINN EMANUEL URQUHART & SULLIVAN, LLP

17 51 Madison Avenue, 22nd Floor

18 New York, New York 10010

19 BY: JENNIFER J. BARRETT, ESQ.

20 JANICE YOON, ESQ.

21 MAHEEMA HAQUE, ESQ.

1  
2 A P P E A R A N C E S (Continued) :

3  
4 ALSO PRESENT:

5 KATHRYN SHIBER

6  
7 AMANDA KOSOWSKY, ESQ.

8 Chief Compliance Officer

9 Centerview Partners, LLC

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2 Q. Do you have a supervisor?

3 A. I'm not sure.

4 Q. Is there someone you report to?

5 A. I don't know.

6 We are partners and we work together and  
7 collaborate on various things, but I don't have --  
8 nobody has ever told me who my supervisor is.

9 Q. I am going to ask you a very general  
10 question.

11 A. Okay.

12 Q. What is Centerview?

13 A. Centerview is an investment bank.

14 Q. What is Centerview's business?

15 A. We provide advice to clients, most often  
16 M & A advice.

17 Q. Does Centerview generate revenue by  
18 billing for employees by the hour or in some other  
19 way?

20 A. In some other way.

21 Q. Does Centerview structure its pricing  
22 based on the number of employees assigned to any  
23 particular project?

24 MR. HELLER: Off the record.

25 (Discussion off the record.)

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2 Q. I guess I was trying to get to that.

3 Is there an analyst program at Centerview?

4 A. Yes.

5 Q. What is the analyst program at Centerview?

6 A. The analyst program is a three-year  
7 program where you come in, as you point out, often  
8 from a college, and you are trained in investment  
9 banking and in general business.

10 Q. How long is the program?

11 A. Three years.

12 Q. How many first-year analysts are typically  
13 in the program when it starts?

14 A. I'd say approximately 30.

15 Q. So it goes from about thousands of  
16 candidates to 30 actual first-year analysts?

17 A. Yes.

18 That is my understanding.

19 Q. Approximately how many of the 30 or so  
20 first-year analysts that begin the program end the  
21 program three years later?

22 A. [REDACTED]

23 Q. Between what and what?

24 A. I mean, it's so -- I can give you a  
25 general sense, but it's speculation.

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2 [REDACTED]

3 [REDACTED]

4 Q. Is that your speculation or is that what  
5 your understanding is?

6 A. It's not a statistic that I review  
7 regularly, so I am -- there is a little bit of  
8 guesswork here.

9 Q. Are new hires as first-year analysts told  
10 what hours they are expected to work?

11 A. I believe that there are many points at  
12 which folks learn about the expectations of  
13 investment banking generally, as well as expectations  
14 at Centerview, so I believe the answer is yes.

15 Q. What are the ways that Centerview lets  
16 candidates know what hours would be expected of them?

17 A. Well, maybe the most significant -- if  
18 you would just indulge me for a minute just before  
19 your question, I think that almost everyone who  
20 applies to investment banking does research on  
21 investment banking and learns that is expected in  
22 this industry.

23 There is a guide called the Vault that  
24 people use.

25 There are plenty of on-line resources.

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2 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7 So that is not exclusively about hours,  
8 but that is speaking to your question.

9 For our part at Centerview, typically for  
10 a first-year analyst hire, we have [REDACTED]

21 Q. Is there anything formal that you are  
22 aware of that Centerview provides to candidates to  
23 let them know what the expectations will be of the  
24 hours they will be required to work?

25 A. Can you repeat the question again, please?

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2 Q. Certainly.

3 MR. HELLER: Susan, can you read it back,  
4 please?

5 (Question read.)

6 A. No.

7 Q. So it is your understanding that  
8 candidates understand what hours will be expected of  
9 them by their general knowledge of the investment  
10 banking industry and what is in the Vault?

11 A. [REDACTED]

[REDACTED]

[REDACTED]

14 [REDACTED]

15 A. I am.

16 [REDACTED]

[REDACTED]

[REDACTED]

19 A. I would say not typically.

20 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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2 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6 Q. Are work ethics the same thing as work  
7 hours, in your opinion?

8 A. No, but I think that they are probably  
9 related.

10 Q. Are you aware of any process in  
11 Centerview's interview process where candidates are  
12 made aware of what the hours of work will be should  
13 they become first-year analysts at Centerview?

14 A. Just to clarify, are you asking, again, a  
15 question about a formal specific item, or is there  
16 any mechanism by which people might find out?

17 Q. Well, you had said during the process for  
18 interviewing that candidates are made aware, so I am  
19 trying to focus on that.

20 Are you aware of any type of formal  
21 process that Centerview follows to advise candidates  
22 what the expectation of hours worked will be in the  
23 program?

24 [REDACTED]

[REDACTED]

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2 [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

6 Q. Did you interview Kate Shiber?

7 A. I did.

8 Q. Did you ask any of those questions to  
9 Kate Shiber?

10 A. I do not recall my interview with Kate  
11 Shiber, although I became aware of her, but the fact  
12 that I interviewed her was recently.

13 Q. You did not recall that until recently?

14 A. Yes.

15 Q. Do you know if anyone specifically asked  
16 or spoke to Kate about what the expectations of her  
17 hours of working would be should she become a  
18 first-year analyst at Centerview?

19 A. I don't.

20 Q. Does Centerview offer a work-life balance  
21 for first-year analysts?

22 MS. BARRETT: Objection to form.

23 A. We believe a work-life balance is  
24 important, even though we have folks who are working  
25 very hard.

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2 Centerview is that the hours can be a lot, what does  
3 that mean to you as a partner in Centerview?

4                   MS. BARRETT: Objection to form.

5                   A. To me it means that they work in a  
6 high-pressured, stressful business that can have  
7 moments of significant workload, and it's something  
8 that we need to understand to be in the business,  
9 but also something that we need to manage  
10 thoughtfully.

11                  Q. When you say a "significant workload,"  
12 what does that mean?

13                  A. Again, you are looking for my general  
14 viewpoint?

15                  Q. Well, you said it could be a significant  
16 workload.

17                  I am asking you to clarify what that  
18 means.

19                  A. So I am just going to give you a general  
20 answer to that.

21                  Our analysts at Centerview are sometimes  
22 on multiple live transactions at the same time,  
23 which requires them to juggle very intense  
24 deliverables or intense analyses with very near-term  
25 deliverables, and often are part of a team where

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2 each of those deliverables needs to come together in  
3 very rapid fashion.

4                   So there is an unpredictability to any  
5 individual project, and our analysts are often on  
6 two or three of those projects at the same time.

7                   That can result in, you know, sometimes a  
8 multiday stretch where you are working very hard,  
9 getting very little sleep, and then hopefully getting  
10 a break after that.

11                  I also believe that that profile of work  
12 is common across Wall Street, and anecdotally I have  
13 heard that from other firms.

14                  Q. So correct me if I am wrong, it sounds  
15 like you are describing periods of intense hours  
16 mixed in with other periods where the hours are not  
17 as intense; is that correct?

18                  A. Can you go back to the original question  
19 again?

20                  What was the question that you started  
21 with; just describe what "significant" means?

22                  Q. Yes.

23                  A. I would agree with that, but also amend  
24 it to add that there are times when actually no, you  
25 don't get that break, and Centerview's program --

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2 and this probably is different than other investment  
3 banks -- our analysts are all generalists.

4                   In a lot of other investment banks you  
5 work really for, like, three people or five people,  
6 and so there is presumably a limit on how much work  
7 those people can give you because you are -- they  
8 are doing that work together with you.

9                   At Centerview as an analyst you are  
10 available to dozens or hundreds of people as a  
11 resource, and we have a team that is -- decides what  
12 work you should be on, but you can be in a situation,  
13 as I mentioned before, where you can have two or  
14 three live projects, and then, as a result, end up  
15 working at that level for a long period of time,  
16 even days or weeks on end.

17                  Q. So what are the typical hours that a  
18 first-year analyst would work in investment banking  
19 or on Wall Street, as you understand it?

20                  A. I think that the hours per week for a  
21 Wall Street analyst likely vary between 60 and 120  
22 hours a week.

23                  Q. Have you ever heard of employees on  
24 Wall Street being required to work more than 120  
25 hours per week?

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2                   A. I have never heard of employees being  
3 required to work more than 120 hours a week, but I  
4 have heard of employees working more than 120 hours  
5 a week.

6                   Q. How often would you say it is for  
7 employees to work more than 120 hours a week?

8                   A. Do you mean at Centerview?

9                   Q. Well, let's start off in general on  
10 Wall Street.

11                  A. On Wall Street the only time I have ever  
12 really heard of hours like that are in things that  
13 hit the press where banks are criticized, and  
14 sometimes bad things happen.

15                  We are very attuned to that and concerned  
16 with that at Centerview.

17                  Q. When you say, "bad things happen," what  
18 do you mean?

19                  A. I mean there have been articles where --  
20 events where an investment banker has harmed  
21 themselves or committed suicide over an unknown  
22 thing, and then the article will mention hours, like  
23 that.

24                  Q. At Centerview how often are employees  
25 expected to work more than 120 hours?

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2                   A. They are never expected to work more  
3 than -- let me back up here for a second.

4                   We do not have a set of requirements that  
5 are codified about a specific number of hours that  
6 are necessary or acceptable.

7                   We have a level of performance and  
8 effectiveness on a team that is necessary in order  
9 to perform, and so any question you have about the  
10 number of hours that someone at Centerview would be  
11 required to work, I think that would probably be my  
12 answer.

13                  Q. So how often would employees at Centerview  
14 be expected to work more than 120 hours per week, if  
15 ever?

16                  A. Well, I think -- my question for you is  
17 with the use of the word "expected."

18                  I think if you change that to how often  
19 might it happen, I might be able to answer that  
20 question.

21                  Q. All right.

22                  How often might it happen?

23                  A. More than 120 hours a week?

24                  Q. Yes.

25                  A. I would say rarely, if ever.

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2                   Q. Are you aware of any circumstance where  
3 it was required by Centerview that employees work  
4 more than 120 hours per week?

5                   A. Again, I just want to clarify the question  
6 because I am not aware of any time that we ever  
7 required any employees to work a specific number of  
8 hours per week.

9                   Q. Putting aside the requirement, are there  
10 any expectations that an employee work more than 120  
11 hours per week?

12                  MS. BARRETT: Objection to form.

13                  A. I don't think that there is any  
14 expectation that someone would have to work more  
15 than 120 hours a week.

16                  Q. Is there any expectation that an employee  
17 would have to work 105 hours per week?

18                  A. One hundred and five hours specifically,  
19 or are you saying more than 105 hours per week?

20                  Q. Specifically 105 hours.

21                  A. Again, I think we have -- I am confused  
22 by the phrasing of your question because, as I said  
23 at the outset, we did not have any requirements or  
24 expectations for any specific numbers of hours per  
25 week, although in general this is a business that

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2                   A. I would say we don't have a specific  
3 policy, but we have always -- we have always been  
4 willing to accommodate people's personal desires and  
5 we expect them to behave responsibly, act  
6 responsibly, you know, in doing their work, in  
7 completing their jobs.

8                   Q. Does Centerview presently have a minimum  
9 number of days that analysts have to be in the  
10 office, in person?

11                  A. We believe the job is a  
12 five-day-a-week-in-the-office job, but we provide  
13 flexibility to our employees.

14                  Q. If Kate Shiber had continued to work at  
15 Centerview from July 2020 to today, would she be  
16 expected to come into the office in New York City?

17                  A. Yes.

18                  Q. What are the hours that analysts are  
19 expected to be in the office, currently?

20                  A. We don't have any specific expectation of  
21 the hours.

22                   Do you mean, like, 9:00 to 5:00, or  
23 something like that; is that what you are asking?

24                  Q. Yes, something like that.

25                   Are there any designated hours that

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2 A. Yes.

3 Again, I'm not -- I believe his title was  
4 principal at the time, but I am not sure.

5 Q. Do you know what his title is now?

6 A. I'm not sure.

7 Q. All right.

8 A. I believe it's still principal.

9 Q. Then there is Timothy Ernst.

10 Who was Timothy Ernst at that time?

11 A. He was either an analyst or an associate  
12 at the firm.

13 Q. Then Timothy Ernst forwards this e-mail  
14 to Matt Baron and ccs Matt Gailea.

15 Who was Matt Gailea at this time?

16 A. An analyst at the firm.

17 Q. Do you have any recollection of how it  
18 came to be that Kate was assigned to this particular  
19 team?

20 A. No.

21 Q. Was this known as the most interesting  
22 deal in the firm at the time?

23 A. I don't know.

24 Q. Did this deal have the potential to be  
25 the biggest M & A deal ever?

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2 A. I don't recall.

3 Q. Was there anything particularly intense  
4 or urgent about this particular project?

5 A. Certainly.

6 Q. What caused that?

7 A. A big client, relatively new at the time,  
8 high-profile assignments, large in nature.

9 Q. When you say, "large in nature," are you  
10 talking to the number of dollars?

11 A. Yes.

12 Q. Can you just tell us generally what  
13 Centerview Partners' involvement was in this deal?

14 A. I don't remember specifically.

15 Q. Were the people that are on this e-mail  
16 all the people that were on the team for this  
17 project?

18 A. I don't recall.

19 Q. Do you recall if there was anybody else  
20 on this team besides the people included on this  
21 e-mail?

22 A. I don't recall.

23 Q. Assuming that this was the number of  
24 people on the team, was this a relatively large or  
25 small team for a project at Centerview?

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2                   A. I think they would have been all about --  
3 well, what was Kate's request?

4                   Q. Let me just back up a second.

5                   You had a conversation with Cheryl  
6 Robinson about Kate Shiber, right?

7                   A. Yes.

8                   Q. And about the same day you spoke with Kate  
9 with Cheryl Robinson present?

10                  A. I believe that is correct.

11                  Q. Do you recall if you had any other  
12 discussions with Kate Shiber on the same topics that  
13 were discussed that day?

14                  A. I believe I did.

15                  Q. Do you recall if anybody else was present  
16 during those calls?

17                  A. I don't recall.

18                  Q. Do you have any recollection of what you  
19 discussed with Kate during that first phone call?

20                  A. Again, not specifically on that exact  
21 phone call.

22                  Q. Did Kate talk about the hours she was  
23 working?

24                  A. I don't recall.

25                  Q. Do you recall if Kate talked about staying

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2 up all night?

3                   A. Again, you are asking about that first  
4 phone call?

5                   Q. Yes.

6                   A. I just don't recall.

7                   Q. Do you recall any conversation that you  
8 had with Kate where she talked about the hours she  
9 was working?

10                  A. Yes.

11                  Q. Do you remember how that topic came up?

12                  A. My recollection is that she wanted to make  
13 me and the firm aware that she had a condition where  
14 she needed to get eight-plus hours of sleep a night  
15 on a regular basis.

16                  Q. Do you recall if she said that on multiple  
17 occasions or just once?

18                  A. Well, it's not the kind of thing that you  
19 need to say more than once.

20                  Q. Did you ask her any follow-up questions  
21 when she said that?

22                  A. I don't recall specifically, but we did  
23 have a conversation about it.

24                  Again, I don't remember if this was my  
25 first conversation or a different conversation, but

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2 we had a dialogue around the challenges that might  
3 present and possible solutions.

4                   We also had a conversation about Kate  
5 feeling that this was private information that she  
6 did not want to be shared with other folks, which I  
7 thought was reasonable, but presented quite  
8 significant challenges in how to manage the  
9 situation.

10                  I recall at some point over a series of  
11 conversations developing a possible short-term  
12 solution.

13                  Q. Did Kate ever say what her condition was?

14                  A. I don't recall.

15                  Q. Did you ever ask her what her condition  
16 was?

17                  A. I don't recall, but I doubt I would have.

18                  Q. Do you recall Kate talking about working  
19 24-hour days?

20                  A. I don't recall.

21                  Q. Is it that you don't recall her saying  
22 that or you don't recall one way or the other?

23                  A. I don't recall one way or the other.

24                  Q. Did Kate say she had a disability?

25                  A. I don't recall.

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2 Q. Did you understand that Kate had a  
3 disability?

4 MS. BARRETT: Objection to form.

5 A. I don't know what the definition of  
6 "disability" is, so I can't answer that.

7 Q. Did you understand Kate to have some type  
8 of medical impairment that required her to get sleep?

9 A. No.

10 I understood that she had an issue that  
11 required -- that she said required her to get that  
12 amount of sleep.

13 I probably assumed that it was a medical  
14 issue, but I don't recall specifically being told  
15 that.

16 Q. Did you think that Kate just preferred to  
17 get eight-plus hours of sleep or that she required  
18 it?

19 A. She required it.

20 That is the interpretation that I had from  
21 that conversation.

22 Q. Was your interpretation that she required  
23 it for medical reasons?

24 A. That is how I interpreted it.

25 Q. Did you have any thoughts as to what would

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2 have required her to get sleep?

3 A. I was confused.

4 Q. Did you ask her for any clarification?

5 A. No.

6 Q. Did you find Kate to be sincere in what  
7 she was saying to you?

8 A. Yes.

9 Q. Did you ever question whether Kate  
10 actually needed to get the sleep she was saying she  
11 needed?

12 A. No.

13 Q. Did you tell Kate that you understood her  
14 concerns?

15 A. Which concerns?

16 MR. HELLER: Withdrawn.

17 Q. You said that she was concerned about how  
18 this would be presented to the team, right?

19 A. Yes.

20 Q. Do you recall specifically what she said?

21 A. I don't remember specifically.

22 Q. Do you recall her saying she was concerned  
23 that people would look at her differently?

24 A. That sounds correct, but I don't remember  
25 specifically.

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2                   Q. Do you recall if you told her that you  
3 understood her concerns?

4                   A. Those concerns?

5                   Q. Yes.

6                   A. Yes.

7                   I don't remember exactly, but I believe I  
8 conveyed something like that.

9                   Q. Do you recall telling Kate that the firm  
10 could tell her coworkers that she was unavailable at  
11 specific hours without creating an issue for her?

12                  This could be at any discussion you had  
13 with Kate, not just that first one.

14                  A. I don't recall that.

15                  I recall something quite different, which  
16 was that it was going to be a challenge to  
17 communicate this to folks.

18                  I even recall coming back to her after  
19 another conversation, or a series of conversations,  
20 to convey that -- to ask her if there was any version  
21 of communicating this at a very sort of bare-minimum  
22 level to the team that would be acceptable to her.

23                  I also remember having a conversation  
24 about quite specifically the very difficult manner  
25 or situation that that would put the firm in to be

1                   T. Kim - Confidential  
2 able to manage a team and saying nothing to them  
3 whatsoever about her situation.

4                   Q. What was Kate's response?

5                   A. I don't recall, although I remember my  
6 takeaway being that she didn't want people to know.

7                   She didn't want people to communicate  
8 anything.

9                   Q. What was your response?

10                  A. So I kept to that request in the  
11 communication with the team.

12                  Q. Did you ever have any communications with  
13 Kate over e-mail or any other type of writing?

14                  A. I don't recall.

15                  Q. Do you ever recall telling Kate that there  
16 were plenty of reasons why someone would not be  
17 available at a specific time?

18                  A. I don't recall, but that sounds familiar.

19                  Q. Do you recall if you told her that there  
20 could be an example of someone working on two  
21 demanding deals at once?

22                  A. Is that relating to what you just said as  
23 to a reason why someone might not be available at a  
24 particular time?

25                  Q. Yes.

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2 Did you give her an example of someone  
3 working on two demanding deals at once?

4 A. I don't recall, but that seems like an  
5 odd reference, but I don't recall.

6 MR. HELLER: I am going to show you a  
7 document that will be marked as Plaintiff's  
8 Exhibit 5.

9 (Plaintiff's Exhibit 5, one-page printout  
10 of e-mail, dated 8/28/2020, 10:52:06 PM, to  
11 Jeanne Vicari, from Cheryl Robinson, Bates  
12 stamped No. Centerview\_000319, marked for  
13 identification, as of this date.)

14 (Plaintiff's Exhibit 5 placed on shared  
15 screen.)

16 BY MR. HELLER:

17 Q. Plaintiff's Exhibit 5 is an e-mail that  
18 you are not on, from Cheryl Robinson to Jeanne  
19 Vicari.

20 It's Bates numbered Centerview 319, and  
21 it's dated August 28, 2020, and it says, "Tony and I  
22 connected with Kate. I'll update you Monday."

23 Does this refresh your recollection at  
24 all that you spoke with Kate on August 28th of 2020?

25 A. I assume that it's accurate.

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2                   A. I don't recall.

3                   Q. Was it your idea?

4                   A. I don't recall.

5                   Q. Do you recall hearing the phrase  
6 "guardrails"?

7                   A. Yes.

8                   Q. Do you recall who first uttered the  
9 phrase "guardrails"?

10                  A. No.

11                  Q. Do you know if it was Cheryl Robinson?

12                  A. No.

13                  Q. Do you recall what the "guardrails" were?

14                  A. I believe we decided -- I think that it  
15 was a set of guardrails that we developed, Cheryl  
16 and I, and proposed to Kate, because I remember her  
17 reacting and saying, "That would be great."

18                  So I guess there's a chance that it could  
19 have been Kate proposing them, but I think it's  
20 probably that Cheryl and I proposed it.

21                  Q. Do you recall when you and Cheryl proposed  
22 it?

23                  A. No.

24                  Q. Do you recall if you had proposed that  
25 prior to Tuesday, September 1st?

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2 A. No.

3 Q. Where Cheryl wrote that she has been able  
4 to have the time off she needs, do you recall if the  
5 guardrails were already in place at that time?

6 A. I don't recall.

7 Q. Do you recall if the guardrails were  
8 decided upon prior to Kate providing a doctor's note?

9 A. I don't recall.

10 Q. Do you recall any discussion of Kate  
11 providing a doctor's note?

12 A. It sounds vaguely familiar, but --

13 Q. Do you recall if Kate was asked to provide  
14 a doctor's note?

15 A. I don't recall.

16 Q. Do you recall what the hours were that  
17 Kate would go off-line?

18 A. I think it was midnight to 9:00 a.m.

19 Q. And that is something that you recall you  
20 and Cheryl proposing, correct?

21 A. I'm not sure, but I believe that's the  
22 case.

23 Q. At the time that you proposed it with  
24 Cheryl, did you think that was a feasible proposal?

25 A. What do you mean by "feasible"?

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2                 Q. Did you think that Kate could perform the  
3 functions of her job while having the ability to go  
4 off-line between midnight and 9:00 a.m.?

5                 A. I had no doubt, but I was -- I felt that  
6 we needed to come up with a short-term solution to  
7 address what I perceived to be a serious issue, where  
8 Kate was at risk, and that was the primary objective.

9                   So the question of whether she could  
10 perform under it, I will tell you I had some -- I  
11 recall having some reservations, but we were going  
12 to try to figure out solutions that could work  
13 beyond that.

14                 Q. You said that Kate was at risk.

15                   What was she at risk for, in your opinion?

16                 A. I just recall her conveying to me that  
17 this was a requirement, and something that she  
18 needed, and, in general, when someone says something  
19 like that -- you know, as I told you, I don't recall  
20 specifically being told that it was a medical issue,  
21 but I interpreted it to be that way, and, in general,  
22 I and others at the firm take it really seriously  
23 when someone says something like that.

24                 Q. When you say that it was a "short-term  
25 solution," what do you mean?

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2 A. Well, I never encountered anything like  
3 this before.

4 I don't think that the firm had either,  
5 although I'm not sure.

6 We were focused on addressing her specific  
7 request or requirement at hand immediately.

8 It was, obviously, a complicated situation  
9 that would require more time to evaluate, so I think  
10 that we put it in place as something that met the  
11 immediate need, and to be further evaluated.

12 Q. Did that proposal meet the immediate need?

13 A. I think that it -- you know, I guess you  
14 are reflecting on my statement of "immediate need."

15 What I mean by "immediate need" is that  
16 Kate needed to have eight to nine hours of sleep at  
17 night on a consistent basis, so that proposal  
18 definitionally would be that need.

19 Q. Did you talk to Kate about this being  
20 short term?

21 A. I don't recall, but I -- I feel fairly  
22 certain that I would have conveyed that we were going  
23 to have to continue to work on it and find other  
24 solutions.

25 Q. Do you recall what her response to that

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2 with Kate. You have said it a number of times now.

3                   A. Yes.

4                   Q. What did she say as part of the  
5 back-and-forth besides, "That would be great"?

6                   A. I recall asking her questions about what  
7 might be possible and what might be workable.

8                   I don't remember exactly those questions.

9                   I recall her responding with, you know,  
10 what might work and what might not work.

11                  Q. What did she say might not work?

12                  A. I don't remember specifically.

13                  Q. What did she say might work?

14                  A. She felt that the guardrails approach was  
15 great.

16                  Q. Do you recall any other options that were  
17 discussed with Kate besides her having off between  
18 midnight and 9:00 a.m.?

19                  A. I have a recollection, it's kind of -- I  
20 am trying to find the right words to use -- it's not  
21 perfectly clear, but I have a recollection of  
22 exploring the boundaries of what eight to nine hours  
23 meant.

24                   Was it every night? Was it on a  
25 consistent basis? Do they have to be specific

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2 hours?

3                   I was doing that to figure out what impact  
4 that might have on her ability to, you know, work at  
5 the sometimes volatile pace that is required on  
6 projects as an analyst.

7                   Q. What was Kate's response?

8                   A. Again, I just have a general recollection.

9                   I recall her saying that she didn't need  
10 to have it every night, but she needed to have it  
11 very frequently.

12                  My impression, based on her response, was  
13 that we -- we should strive to give it to her every  
14 night.

15                  I do remember her specifically saying  
16 that it did not need to be specific hours; that as  
17 long as there were eight hours or so that that would  
18 be enough.

19                  I remember leaving with the impression,  
20 which I believe was because of her response, that we  
21 really could not put her in a situation where she  
22 would have to work through the night, for example,  
23 on a project.

24                  Q. Did she say she could not work through  
25 the night multiple nights in a row or any time?

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2 A. I don't recall.

3 Q. Did Kate seem flexible to you in  
4 discussing what she needed?

5 A. I felt that Kate had a very specific  
6 requirement that was novel, and that there was not  
7 much flexibility around that requirement.

8 With that established, she expressed  
9 flexibility.

10 Q. How often do analysts have to work between  
11 midnight and 9:00 a.m. at Centerview?

12 A. Regularly.

13 Q. Is that in addition to working between  
14 9:00 a.m. and midnight?

15 A. Well, in some cases, but the nature of  
16 the job is that it is very unpredictable. You don't  
17 need -- you don't know when you are going to need to  
18 be available.

19 You just need to be available when the  
20 team needs you.

21 In some projects you are working 24 hours  
22 a day.

23 Q. How many days in a row would an analyst  
24 expect to be working 24-hour days?

25 A. Well, I mean, I think that nobody expects

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2 to work 24-hour days, but I think most people  
3 understand that -- most people come into the business  
4 of investment banking understanding that they might  
5 be occasionally asked to work 24 hours straight.

6                   Q. What makes you say that?

7                   A. Well, it is the nature of the business.

8                   I think that is the nature of the  
9 business, and that is consistent at any investment  
10 bank where that can come up.

11                  It's no one's goal to have that happen,  
12 but that does come up, and I would say that despite  
13 all efforts to try and manage workload and time,  
14 that there is no way to avoid that on any particular  
15 project.

16                  Q. About how often a month would an analyst  
17 be expected to work 24 hours in a row?

18                  A. There is no specific benchmark for that.

19                  Q. You said that it is common knowledge that  
20 this is required in the banking industry.

21                  What is the common knowledge on how often  
22 that happens?

23                  A. I didn't say that it was common knowledge  
24 that it was required.

25                  I said that it's common knowledge that it

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2 people that all the time, like, I would imagine that  
3 scenario that you described, if that happened once,  
4 immediately the person would be told, "I want you to  
5 tell me if you are going to go to bed if your team  
6 is still working."

7                   Q. Do you think that that is exactly what  
8 happened with Kate?

9                   A. I don't know.

10                  Is that your example?

11                  Do you have a --

12                  Q. Does Centerview, in any of its training,  
13 speak to incoming first-year analysts about sleep?

14                  A. I'm not sure.

15                  Q. Does Centerview do anything in its  
16 interview process to test a candidate's medical  
17 ability to work for 24 hours at a time?

18                  MS. BARRETT: Objection to form.

19                  A. No.

20                  Q. Is working 24 hours at a time a material  
21 part of being a first-year analyst at Centerview?

22                  A. I don't understand the question.

23                  Q. Is the ability to work 24 hours in a row  
24 a material requirement to be a first-year analyst at  
25 Centerview?

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2                   A. So I have never considered that question  
3 before, and we don't have any formal policies around  
4 that, but I believe the answer to that question is  
5 yes.

6                   Q. Is there any type of physical examination  
7 that is done to candidates for the first-year analyst  
8 program to test their physical mettle to be  
9 first-year analysts?

10                  A. No.

11                  Q. First-year analysts are not astronauts,  
12 correct?

13                  A. Correct.

14                  Q. There is no physical test that is required  
15 to be a first-year analyst, correct?

16                  A. Correct.

17                  Q. Is this a matter of culture at Centerview  
18 or is this a matter of what you believe is the  
19 investment banking industry?

20                  MS. BARRETT: Objection to form.

21                  A. Is what a matter of culture?

22                  Q. The ability to work 24 hours in a row, is  
23 that based upon Centerview's culture, or do you think  
24 that is across Wall Street?

25                  A. That is across Wall Street.

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2                   A. I don't recall exactly specifically  
3 challenges, but, generally, yes, I had conversations  
4 with her about that because I recall coming back to  
5 her and nudging or suggesting that some amount of  
6 communication with the team around her situation  
7 would be helpful for her.

8                   Q. What was Kate's response?

9                   A. I recall her saying that she did not want  
10 to disclose it to the team.

11                  Q. Did you have to do whatever Kate wanted?

12                  A. No.

13                  Q. What made you decide not to disclose  
14 something to the team?

15                  A. Well, I told her that I would not, so I  
16 wanted to follow through on that.

17                  Q. What led you to have that conversation  
18 with Kate where you told her you would like to  
19 disclose more to the team?

20                  A. I believe it was that interaction, I  
21 think, over more than one conversation that I had  
22 with Cheryl, where we were trying to design something  
23 that could work here, and, you know, we often do  
24 things like that, and then identify issues as they  
25 come up and try to workshop it more.

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2 done.

3                   So if --

4                   A. Yes, of course, of course. I just forgot  
5 that now, but that is what I have always been trying  
6 to do.

7                   My recollection is that I spoke with, at  
8 least, Tim Ernst, and I informed him that I needed  
9 to create a system on the project where Kate would  
10 not work between midnight and 9:00 a.m., and I  
11 understood that that was an unusual request of him  
12 and the team, but that for now that was all I could  
13 say about it.

14                  Q. What more would you have wanted to  
15 disclose to the team?

16                  A. I think at a minimum I would have liked  
17 to have said that Kate has a medical issue, and we  
18 are trying to figure out the right solution, and in  
19 the meantime let's stick to this protocol.

20                  I probably would have said that I  
21 understand the impact that that would have on the  
22 team, but I would ask the team to manage.

23                  Q. Why did you think telling the team it was  
24 a medical issue would help things?

25                  A. When you can say nothing at all about why

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2 you are putting in this protocol, for all they  
3 know -- I don't know -- Kate's my best friend, and I  
4 don't want her to work from midnight to 9:00 a.m.,  
5 or someone else called and demanded it for some  
6 unreasonable rationale.

7                   I think that it's an unusual enough  
8 request that it requires further explanation.

9                   Q. Did you have any discussion with anyone  
10 about moving Kate off of that particular deal?

11                  A. I think I suggested to Kate that we take  
12 her off the deal.

13                  Q. Do you recall what she said?

14                  A. I believe she said she wanted to stay on.

15                  Q. Was there any further discussion about  
16 that?

17                  A. I believe I explained to her how  
18 challenging that would be given the fact that she  
19 needed to get this amount of sleep.

20                  Q. Have you ever had any first-year analysts  
21 who were pregnant?

22                  A. Not that I am aware of.

23                  Q. Have you ever had any first-year analysts  
24 that were undergoing treatment for an illness like  
25 cancer?

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2                   Q. Tim says at the end, "Again, not an issue  
3 if this is a near-term situation but figured I'd flag  
4 as well."

5                   You respond, "Thanks, Tim - this is going  
6 to be a longer term situation, so let's discuss  
7 solutions next week."

8                   Was this a longer-term situation or was  
9 this a short-term situation?

10                  A. Let me look at this one more time.

11                  Refreshing my recollection reading this  
12 e-mail, I believe the intent of that statement from  
13 me was to say that the situation with Kate would be  
14 a longer-term situation, not that the guardrails  
15 approach would be a longer-term situation.

16                  In addition, I recall feeling at the time  
17 that it might be a longer-term situation, so,  
18 therefore, why not get the team prepared for it to  
19 possibly be a longer-term situation, which is why,  
20 if you look at the bottom of the e-mail, where I  
21 originated it, my primary goal in this thread was to  
22 figure out whether they needed to have additional  
23 staffing, which we actually did end up doing, adding  
24 someone to the team, at least in part because of  
25 Tim's very thoughtful e-mail here about the issues

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2 that this guardrail approach was creating.

3 Even here you also have the reference to  
4 I don't really understand what's going on, which we  
5 talked about.

6 Q. It says, "We are certainly busy but can  
7 manage through the near term," right?

8 A. Yes.

9 Q. My only question is whether this is a  
10 near-term setup or a long-term setup.

11 A. Yes.

12 Q. You had said before that this guardrails  
13 approach was a short-term approach for the immediacy  
14 of Kate's needs, correct?

15 A. Yes.

16 Q. When you responded to him on that point,  
17 you said it was a longer-term situation.

18 A. Yes.

19 Q. Tim also writes to you, "I also think it  
20 is not really effective from her perspective over  
21 the long-term . . . , " and then he goes on.

22 It had been five days since she spoke to  
23 you about what was going on with her, right?

24 A. Correct.

25 Q. Did you think that Tim might have been a

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2                   Q. How many deals that first-year analysts  
3 work on at Centerview require them to be working  
4 between midnight and 9:00 a.m.?

5                   A. I would say almost all of them.

6                   Q. And that is working in addition to  
7 9:00 a.m. to midnight?

8                   A. I mean, I understand the lines of  
9 questioning around hours, but it's not -- it's not  
10 the primary basis for the issue that you are asking  
11 about here.

12                  I think it is about availability on an  
13 ad hoc basis when you are working on a team where  
14 you have multiple deliverables in an intense time  
15 frame, and that someone else has to pick up the  
16 pieces if you are not available to do that exactly  
17 in the flow of when that is happening.

18                  Q. And these things are happening between  
19 midnight and 9:00 a.m. in the morning?

20                  A. Yes, for sure.

21                  Q. Now, you have no idea what hours people  
22 are actually working, correct?

23                  MS. BARRETT: Objection to form.

24                  A. I don't think that is an accurate  
25 statement.

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2 Q. In fact, when people do report their  
3 hours in iStaffing, you don't trust them, right?

4 MS. BARRETT: Objection to form.

5 A. I don't agree with that statement either.

6 Q. We went through that earlier when we  
7 looked at Plaintiff's Exhibit 2.

8 Do you recall that?

9 A. Yes.

10 Q. Did you think, rather than Tim describing  
11 the actual hours he was working, he was just  
12 describing his feelings about the work he was doing?

13 MS. BARRETT: Objection.

14 A. Tim isn't listed on that set of documents.

15 Q. Does Tim fill out or should Tim have  
16 filled out his time sheets in iStaffing in August  
17 and September of 2020?

18 A. Yes.

19 RQ MR. HELLER: I am going to request copies  
20 of Tim and Matt Gailea's time records from  
21 September of 2020.

22 I will follow up in writing.

23 Q. Up above there is a reference to Matt  
24 Baron.

25 Do you recall at that time what Matt

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2 Baron's role was?

3 A. I believe Matt was a principal on the  
4 team, and so he was, you know, part of the team  
5 working on the project.

6 Q. He wrote, "It's not helpful for anyone if  
7 she can't get up to speed and own things as there is  
8 too much to do, and we need a full person to help  
9 with everything that needs to get done."

10 Did you think that Kate was not a full  
11 person because she needed to sleep between midnight  
12 and 9:00?

13 A. This is not an e-mail to me.

14 Q. I understand.

15 A. I never had those thoughts.

16 However, this e-mail again showcases the  
17 problem of not being able to communicate anything  
18 about Kate's request or situation to the team.

19 Q. Do you recall if in response to this  
20 e-mail from Tim you had a conversation with Kate  
21 about how the accommodation was going?

22 A. I don't recall.

23 Q. Do you recall if you ever spoke to Kate  
24 about what Tim expressed to you in this e-mail?

25 A. I don't recall.

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2                   Q. Do you recall if you ever spoke to Kate  
3 after September 2, 2020 about anything?

4                   A. I don't recall.

5                   Q. Are you aware that the law prohibits  
6 discrimination against people with a disability?

7                   A. Yes.

8                   Q. Does Centerview require any type of  
9 training in antidiscrimination laws?

10                  A. Yes.

11                  Q. Have you received any type of training in  
12 antidiscrimination laws during your employment at  
13 Centerview?

14                  A. Yes, I believe several times.

15                  Q. When is the last time you recall having  
16 that training?

17                  A. I would say within the last year.

18                  Q. Are you aware that the law requires an  
19 interactive process when discussing an accommodation  
20 for a disability?

21                  A. An "interactive process," can you say  
22 what that means?

23                  MS. BARRETT: I am going to object to the  
24 question as calling for a legal conclusion  
25 from a lay witness.

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2 had not previously thought of.

3                   Q. You said that you brought someone onto the  
4 team.

5                   Was that Ashwini Krishnamurthy?

6                   A. Yes, I believe so.

7                   Q. She was a second-year analyst?

8                   A. I don't recall.

9                   MR. HELLER: Why don't we take a lunch  
10 break now. That makes more sense.

11                  What time did you want to come back?

12                  Do you want to do 1:00, 1:15?

13                  THE WITNESS: 1:15 would be great.

14                  MR. HELLER: All right, 1:15.

15                  Off the record.

16                  (Discussion off the record.)

17                  (Luncheon recess: 12:25 p.m.)

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2 A. I believe so.

3 Q. Does Centerview Partners have any type of  
4 protocol for how employees can request a reasonable  
5 accommodation?

6 A. I don't know.

7 Q. Are you aware of anyone at Centerview who  
8 has requested an accommodation based on a disability?

9 A. Any type of disability at all?

10 Q. Yes.

11 A. I believe we have had employees ask for  
12 short-term accommodations when they were experiencing  
13 a temporary health issue.

14 Q. Generally, what types of accommodations  
15 has Centerview been asked to provide that you recall?

16 A. Sorry, just to clarify, the question is  
17 related to disabilities, correct?

18 Q. Correct.

19 A. We have had issues where people have been  
20 sick and hospitalized and needed to have some type  
21 of, you know, major surgery, so they took time off  
22 to accommodate that.

23 We have had people who have had  
24 complications with pregnancies and needed  
25 accommodations for that.

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2 That is just -- that's what I can recall.

3 Q. What kinds of accommodations did people  
4 request for a pregnancy?

5 A. We have had people request to take extra  
6 time off, and we have had people request a reduced  
7 workload, and we have had people request -- I guess  
8 that sort of fits under additional time off.

9 Q. Were any of these accommodations long-term  
10 accommodations, that you recall?

11 A. Not that I recall.

12 Q. When you say, "reduced workload," what  
13 did that mean?

14 A. I recall a situation where an employee  
15 was having a medical issue, and they reduced their  
16 workload on a temporary basis in order to reduce --  
17 I don't know -- whatever that situation was.

18 Q. How long was that reduction?

19 A. I don't know.

20 Q. Do you remember when that was?

21 A. I don't recall.

22 Q. Was it in the New York office?

23 A. Yes.

24 Q. Do you know what level that person was?

25 A. An associate.

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2 Q. Did that accommodation involve altering  
3 the projects that that associate was assigned to?

4 A. Yes.

5 Q. Was that associate assigned to projects  
6 that required working 24 hours in a row during the  
7 period when the accommodation was granted?

8 A. I don't know.

9 Q. Do you recall for how long that  
10 accommodation lasted?

11 A. I don't know.

12 Q. Do you know what happened to that  
13 employee?

14 A. That person is still employed by the firm.

15 Q. Has that accommodation ended?

16 A. I don't know.

17 Q. Are you aware of any discussion about  
18 reducing the workload for Kate Shiber?

19 A. Yes.

20 I had conversations with Kate about  
21 reducing her workload.

22 Q. What was the result of those  
23 conversations?

24 A. That is when I said something -- I can't  
25 recall, it was either that I suggested or I

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2 recommended that Kate come off of Dragon.

3 Q. What was her response?

4 A. She said she wanted to stay on it.

5 Q. Was there any discussion about moving  
6 her, notwithstanding her desire to remain?

7 A. I believe there was.

8 I believe Cheryl and I talked about the  
9 merits of that.

10 Q. What was the decision on that?

11 A. That she wanted to stay on it, so we  
12 would keep her on it.

13 Q. Was there ever any discussion that you  
14 had with Kate about removing her from the Dragon  
15 project versus terminating her employment?

16 A. No.

17 Q. As a people development leader, what  
18 types of issues, generally, do you handle or come up  
19 to you?

20 A. Things like the topics that I described,  
21 which you were just asking about; obviously, Kate's;  
22 we have a problem with an employee who is not  
23 handling themselves well with teams; and when people  
24 are underperforming dramatically.

25 That is not an exhaustive list, but those

**A**

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